

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
DEDRA DE LA ROSA,	:
	:
Plaintiff,	: <u>ORDER</u>
	:
-v.-	: 18 Civ. 3456 (AJN) (GWG)
	:
ASPENLY CO. LLC, et al.,	:
	:
Defendants.	:
-----X	

GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

The Court is in receipt of the four letters recently filed by the parties. (Docket ## 111-114). The Court finds itself in a situation similar to the situation the Court found itself in when it issued the Order of April 8, 2020 (Docket # 102). The Court is presented with defendant Pure Green NYC 8th Street Corp.’s request to extend “expert fact discovery” (Docket # 113) when fact discovery in fact ended long ago.

There were two remaining deadlines in this case when the April 8 Order issued: the deadline by which defendant may make its Rule 26(a)(2)(B) expert disclosures and the deadline by which plaintiff may depose defendant’s expert witness. Those deadlines were set in that Order for June 15, 2020 and July 15, 2020. The Court also set a deadline of July 29, 2020 for the filing of all pretrial submissions required by Judge Nathan’s Individual Practices.

On June 15, 2020, the defendant sought to extend the “fact discovery” period (Docket # 109) — a request that was denied because of defendant’s failure to comply with the Court’s Individual Practices. (Docket # 110). Defendant filed nothing with the Court for six weeks. Now, defendant seeks to extend the “expert fact discovery” deadline (Docket # 113), which makes no sense. To the extent defendant is seeking to extend the deadline for its expert disclosure, it provides only the barest of reasons and fails to explain why it meets the standards for approval of such a request under Fed. R. Civ. P. 6(b)(1)(B). Also, counsel failed to comply with paragraph 2.A of the Court’s Individual Practices.

The request for an extension is denied with the following proviso: defendant may file a notice of motion, memorandum of law, and supporting affidavits on or before July 31, 2020, that explain precisely what efforts it has made to comply with the Court-ordered deadlines since April 8, 2020 (preferably by means of a weekly diary of actions taken) and why those efforts meet the standards articulated in the case law governing extensions under Fed. R. Civ. P. 6(b)(1)(B). Plaintiff may respond by August 5, 2020. Any reply may be filed by August 7, 2020.

The deadline to file pretrial submissions before Judge Nathan is adjourned sine die.

SO ORDERED.

Dated: July 28, 2020
New York, New York



GABRIEL W. CORENSTEIN
United States Magistrate Judge